

STATUTES
AT LARGE
OF
VIRGINIA

VOL. II
1782-84

HENING

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THE
Statutes at Large;
BEING
A COLLECTION
OF ALL THE
LAWS OF VIRGINIA,
FROM THE
FIRST SESSION OF THE LEGISLATURE,
IN THE YEAR 1619.

PUBLISHED PURSUANT TO AN ACT OF THE GENERAL ASSEMBLY
OF VIRGINIA, PASSED ON THE FIFTH DAY OF FEBRUARY,
ONE THOUSAND EIGHT HUNDRED AND EIGHT.

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VOLUME XL

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By WILLIAM WALLER HENING.

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“The *Laws* of a country are necessarily connected with every thing be-
longing to the people of it: so that a thorough knowledge of *them*, and
of their progress would inform us of every thing that was most use-
ful to be known about them; and one of the greatest imperfections
of historians in general, is owing to their ignorance of law.”
PRIESTLEY’S LECT. ON HIST. VOL. I. pa. 149.

RICHMOND:
PRINTED FOR THE EDITOR,
By GEORGE COCHRAN.

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1823.

LAWS OF VIRGINIA,

MAY 1782—Bill of COMMONWEALTH.

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the sheriff of the county in which the court may be held, and as many of his deputies as are necessary, shall constantly attend, and shall summon twenty-four able and discreet freeholders, or others qualified by law to serve as jurors, to appear on the first day thereof, who, or any sixteen of them appearing, may be sworn a grand jury for the district, who shall have power to present all offences committed therein, but the court shall have power to discharge such grand jury whenever it is necessary, order another to be summoned, and may proceed to the trial of criminals at any time during the term, if such criminals shall desire it. All persons committing capital offences in the said district, shall be examined in the courts respectively of the counties in which they are apprehended, and shall be tried by juries from the counties in which the offences are committed, and may be removed to and tried in the court of the district, in the same manner as is now practised in the general court. *Provided*, That there shall be at least six weeks between the time of passing sentence of death upon any criminal and the execution thereof; and the judges shall have power, for good cause shewn, to respite execution of any such criminal eight months. All actions, suits and other matters depending in the high court of chancery and general court, which by this act are made cognizable in the court of the said district, shall be transferred to the docket of such court, to be proceeded on in the same manner as if they had originated therein. And all papers and pleadings filed in such suits, shall be delivered to the clerk of the said court, to be filed in his office. The clerk of the said court shall call over his appearance docket, both in common law and chancery, on the fourth Mondays in those months in which courts are held, which are hereby declared to be the appearance days upon process, returnable to the preceding courts, and shall call over his docket on the same day in every month between the terms, whereupon such steps shall be taken as are directed in like cases in the high court of chancery and general court, and the same rules of proceeding observed therein, and when issues are made up, or suits in chancery set for trial, they shall be entered on the court docket for trial at the next term, the clerk setting as nearly an equal number thereof as may be, or as the court shall direct, to the days

set apart for the trial thereof. And the judgments and decrees of the said court when rendered, shall be final in all cases, except those in which the court of appeals hath a controuling power over the high court of chancery and general court, in which cases the court of appeals shall have the like controuling power over the court of the district. The said district court shall have power to appoint their clerk and gaoler, and to superintend and regulate all matters respecting their gaol, and may also appoint persons to contract for building, repairing or enlarging the court-house and prison; and such gaoler, by warrant of a justice of the peace of his county, may summon guards to attend the gaol during the confinement of criminals, who shall obey such summons, or be liable to be fined by the said court, at their discretion, not exceeding twenty shillings for one offence. The said court shall also order seals to be provided for the use of the court, and any one of the judges thereof, out of session, shall have power to award writs of ne-exeat, injunctions, supersedeas, and certiorari, to award writs of habeas corpus, returnable before him at his chambers, to take recognizance of special bail, and to perform all other duties which a judge of the high court of chancery or general court can perform; and any acting justice of the peace may in like manner take recognizance of special bail in suits depending in the said district court. There shall be a person appointed by joint ballot of both houses of the assembly, to attend the said court as attorney for the commonwealth; and in case of a vacancy during the recess of the assembly, it shall be supplied by the governor and council pro tempore, which said attorney and judges shall hold their offices on the same terms, and be punishable for misfeasance therein, in the same manner with the judges of the general court and the attorney general, and shall, as well as their clerk, be exempted from military duty.

II. *And be it further enacted*, That where it is not otherwise directed by this act, all officers of the said court shall have the same powers, perform the same duties, and be entitled to the same fees as are given to, required of, or payable to the like officers of the high court of chancery and general court; and that in all cases not hereby particularly provided for, the said

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Judgments to be final, except the power of court of appeals.

To appoint clerk & jailer, and superintend the jail.

Build court house & prison. Jailor to impress guards.

Providing for seals. Power of one judge out of session.

Attorney for the commonwealth.

He and the judges to hold their offices during good behaviour.

General rules for court & officers.